

Exhibit A

In the Matter Of:

LAURIE ORTOLANO vs

CITY OF NASHUA

MICHAEL CARIGNAN

April 19, 2024

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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

* * * * *
LAURIE ORTOLANO,
Plaintiff,
vs.
CITY OF NASHUA, et al.,
Defendants.
* * * * *

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* No.
* 1:22-cv-00326-LM
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VIDEOCONFERENCE DEPOSITION OF MICHAEL CARIGNAN,
Deposition taken with all parties appearing remotely,
on Friday, April 19, 2024, commencing at 3:11 p.m.

Court Reporter:
Pamela J. Carle, LCR, RPR, CRR

MICHAEL CARIGNAN

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MICHAEL CARIGNAN

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I N D E X

WITNESS: MICHAEL CARIGNAN

EXAMINATION: PAGE
By Mr. Malaguti 4

EXHIBITS FOR IDENTIFICATION:

CARIGNAN	DESCRIPTION	PAGE
1	6/26/19 Lehto supplemental report	13

(Digital exhibit sent with transcripts.)

1 Q. When you're ready, Mr. Carignan, do you
2 recognize that document?

3 A. Yes, sir, I do.

4 Q. You've seen it before?

5 A. Yes, I have.

6 Q. What is that, please?

7 A. It is a supplemental report completed
8 by, at the time, Captain John Lehto, date
9 indicating it was completed on June 26, 2019.

10 MR. MALAGUTI: Pam, can we mark that as
11 Carignan 1.

12 (Carignan Exhibit 1 was marked for identification.)

13 MR. MALAGUTI: Brian, just to look
14 ahead a little bit, the only other documents that
15 you would have that I'm going to be looking to, to
16 do later on when we get onto the trespass thing,
17 are just the police records.

18 The original police -- there are sort
19 of two sets, the original one done by I think
20 Earnshaw, and then I think the follow-up ones done
21 by Roach. So at some point we'll probably be
22 marking those.

23 I'm going to have to go from memory on
24 my end, but we'll be marking. Just to give you a
25 head start on where we're going to be headed later

1 on, okay?

2 MR. CULLEN: Sure. I believe I have
3 those here.

4 MR. MALAGUTI: I know you produced them
5 because I had pulled them down, and I just can't
6 get access to them, so. Thank you.

7 BY MR. MALAGUTI:

8 Q. Okay. So, Mr. Carignan, I can't see
9 the document that you're looking at, but I believe
10 it's from -- is it from June of 2019, somewhere in
11 that area?

12 A. Yes, June 26, 2019.

13 Q. And could you describe that document to
14 us, please.

15 A. Sure. It's a -- as you stated, it's a
16 supplemental document, meaning a supplemental
17 report to a larger report that just indicates
18 something that happened within that case. It was a
19 report written by Captain John Lehto, based on a
20 meeting that I had with him attending a meeting at
21 City Hall.

22 Q. Now, this is in regard to an
23 investigation that would eventually be done by the
24 Nashua Police Department regarding the Nashua
25 Assessing Department, right?

1 A. Correct, yes, sir.

2 Q. And it's fair to say if that was
3 brought to your attention by a woman named Laurie
4 Ortolano and perhaps another woman with her named
5 Laura -- I believe it's pronounced Colquhoun?

6 A. Correct.

7 MR. MALAGUTI: And if someone knows
8 better than me, I'm going to make an attempt at
9 spelling Colquhoun for the stenographer. I
10 believe it's C-O-L-Q-U-H-O-U-N. Does that sound
11 right, if you can find it somewhere?

12 MR. CULLEN: That appears to be
13 correct.

14 MS. ORTOLANO: It's C-A-L,
15 C-A-L-Q-U-H-U-O-N (sic).

16 MR. MALAGUTI: C-A-L. Okay. Thank
17 you, Laurie.

18 BY MR. MALAGUTI:

19 Q. You just came into a different view, so
20 you're still there. My apologies. You bounced
21 down on the screen.

22 Do you have a recollection,
23 Mr. Carignan, about your meeting with what I'll
24 call the two Laurie and Laura?

25 A. The meeting with Laurie and Laura, I

1 didn't have any specific memory of that meeting. I
2 know I've spoken to Laurie several times.

3 Q. When is the first time you ever spoke
4 with Laurie?

5 A. I'll be honest, I'm not sure. We've
6 had several conversations. So -- go ahead.

7 Q. Let me put them chronologically. Did
8 you have conversations with her prior to
9 discussing the investigation into the Nashua
10 Assessing Department?

11 A. Yes.

12 Q. In what forum would these conversations
13 occur?

14 A. Well, so, again, we had several
15 conversations, some we had seen each other at City
16 Hall a couple of times over some different issues,
17 but she came to me to the police department to
18 speak to me about her concerns with those
19 allegations.

20 Q. So the meeting about the Nashua
21 Assessing Department was a face-to-face meeting at
22 the police department?

23 A. I believe so, yes.

24 Q. Was it just a conversation or did it
25 involve her showing you documents?

1 A. I believe she showed us some documents.
2 Again, we had several meetings, I apologize if the
3 chronology is not right, but Laurie had excellent
4 documentation as to her allegations and her
5 concerns.

6 Q. At some point did she give police
7 officers some documentation that they retained?

8 A. Yes.

9 Q. And how soon after you first met with
10 Laurie at the police department to discuss these
11 allegations did you end up going over to the
12 mayor's office for the meeting that was documented
13 in Exhibit 1?

14 A. I don't exactly remember the day she
15 came over, so I can't give you an exact time, but
16 it would be within a couple of days. It was -- we
17 took it seriously, and we would have gone over
18 pretty quickly to start looking into it.

19 Q. At that point when she contacted you,
20 would you say that you were in charge of the
21 matter?

22 A. The allegations came to me and I
23 directed it to go towards the detective bureau, so,
24 yes. In charge of assigning it, yes. In charge of
25 handling it, no.

1 Q. Yeah, so, and in fact, you fairly
2 quickly assigned it to, I believe it was -- and
3 again, I don't have the docs, Captain Lehto and
4 Detective Mederos, is that right?

5 A. Yes, as the chief, Captain Lehto was
6 the captain for the detective bureau, so I told
7 him, he was my immediate subordinate. I told him I
8 wanted him and -- it was Lieutenant Mederos -- I
9 believe it was Lieutenant Mederos at the time, to
10 handle the investigation.

11 Q. And do you know that at some point they
12 took possession of the documents that Laurie
13 Ortolano had shown you?

14 A. Yes.

15 Q. They were somewhat voluminous, weren't
16 they?

17 A. Yes.

18 Q. There was a private investigator's
19 report included, for example?

20 A. I believe so. I'm not sure which
21 packet of information it was, but I'm certainly
22 aware that there was the private investigator's
23 reports.

24 Q. Now, do you know whether you appointed
25 Captain Lehto and Lieutenant Mederos before you

1 A. So I don't remember that ever having
2 come up. We're certainly a separate entity, we're
3 not -- we don't answer to the mayor, we answer to a
4 police commission, so we work for the City of
5 Nashua, but we're not under City Hall if that makes
6 sense.

7 BY MR. MALAGUTI:

8 Q. No, that makes -- that makes -- well, I
9 never understand municipal government, but I sort
10 of understand it.

11 Describe for me this police commission.
12 How was it comprised? For example, and I'm just
13 going to ask for a general narrative on this, is
14 it elected officials, is it appointed officials,
15 and what do they do is what I'm looking for.

16 A. So there are currently three police
17 commissioners, and there have been traditionally,
18 those police commissioners are appointed by the
19 governor of the State of New Hampshire and approved
20 by the Executive Council.

21 Their role is to oversee the budget of
22 the Nashua Police Department, to oversee the
23 department as a whole, if I can compare it to a
24 board of directors where they're informed of all
25 that's going on in the PD, but the chief executive

1 officer, which would be the chief of police,
2 manages the day-to-day and makes the strategic
3 decisions for the short and long-term for the
4 police department.

5 So the commission, is -- what we do,
6 they approve our budgets, they approve our
7 promotions, they approve our terminations, or deny
8 them, but they don't deal with the day-to-day
9 operations of the police department. They're not
10 sworn officers, they're not -- they have no legal
11 authority to enforce the laws.

12 Q. And does each commissioner have a
13 full-time job as commissioner?

14 A. Yes. Yes, they -- I believe one of the
15 commissioners now is retired -- I'm sorry, so, no,
16 the police commission part, I believe they get \$100
17 a year to serve in that role. But each of them
18 have outside jobs, outside careers, or they're
19 retired, so they don't -- their job is not a police
20 commissioner.

21 Q. And does every municipality in
22 New Hampshire have a police -- I'm an outsider, so
23 I apologize. Does every municipality have a
24 police commission or is that something that only,
25 for example, happens with cities?

1 decisions, but not in terms of everyday policing?

2 A. Correct.

3 Q. Okay.

4 A. So, for example, the police commission
5 will not dictate who handles an investigation, they
6 would not dictate how an investigation is handled,
7 but they would dictate our annual budget, they
8 would dictate the raises, they'd dictate anything
9 like that.

10 Q. And back to -- did Laurie Ortolano or
11 Laura Colquhoun raise any concerns about the
12 independence of the investigation that was about
13 to occur with the Nashua Assessing Department?

14 A. I don't know if it was at that specific
15 meeting, but she certainly raised those concerns at
16 some point with me. And I don't remember
17 conversations with Laurie Colquhoun, I remember
18 more having engagements with Laurie Ortolano.

19 Q. Laurie Ortolano was the talker of the
20 two?

21 A. No, that's just the person I had the
22 communications with.

23 Q. Now, when you say you remember that
24 Laurie had expressed that concern, can you -- can
25 we at least guesstimate, was it early in the

1 process, was it later in the process? Do you have
2 a recollection in that regard?

3 A. Again, I can't be beholden to anything
4 specific, but it was multiple times throughout, so
5 it's fairly accurate to say right around that time
6 before we started and several times afterwards.

7 Q. And at any point did she outright tell
8 you that she thought that the police investigation
9 of the Nashua Assessing Department was not being
10 conducted independently?

11 A. No. I think her wording was
12 independently. I know she was not satisfied with
13 the investigation or the outcome, and she had some
14 issues with several points of some of the
15 detectives. I'm not sure exactly what those were,
16 but I don't know that it was necessarily -- I don't
17 remember it necessarily being a biased
18 investigation, more just an incomplete one.

19 Q. And how did she communicate those
20 concerns? Through which medium is what I'm
21 asking.

22 A. She would -- well, she would try to
23 contact me. She would contact I believe
24 Captain Lehto, she would contact pretty much the
25 detectives. She contacted many of us often to

1 express those. You know, I didn't -- I wasn't
2 involved with the case, so I didn't really have
3 involvement in the day-to-day communications with
4 her, or it really wasn't my place to have
5 conversations with her. If we saw each other, we
6 would talk about it, sometimes we would meet, but
7 it's pretty accurate to say she contacted many
8 people. And regarding the means of the
9 communication, she would use the telephone.

10 I don't believe she e-mailed me, but
11 it's possible, but I don't remember any e-mails,
12 because most -- mostly it was through face-to-face
13 or phone calls. She used social media a lot to
14 express her concerns on many different topics for
15 us, so those are the meetings I -- you know,
16 recollect.

17 Q. Now, while the investigation was going
18 on, did you keep yourself apprised of what was
19 going on in a general way?

20 A. In a general way, yes, sir.

21 Q. How so?

22 A. So every morning at the police
23 department we had -- I don't know the time now, at
24 the time it was 9:00, we would have a morning staff
25 meeting where each of the bureau's captains would

1 A. Our -- my administrative assistant at
2 the time, Kathy Breslin, was in the meetings, and I
3 believe she takes notes, but I don't believe she --
4 she doesn't record them or enter them into
5 anything. It's just a reminder for me to address
6 certain issues that come up in the meeting. That's
7 how it was for me.

8 Q. Would she have given you those notes to
9 take possession of, or did she keep possession of
10 them herself?

11 A. No, she would have kept possession of
12 them if -- I don't even know that she maintained
13 it, she basically would walk into the office and
14 say, hey, chief, you have a meeting here, or don't
15 forget you have to address this issue or don't
16 forget this is coming up.

17 Q. Did she take notes on the computer or
18 did she write out the notes by hand?

19 A. No, she handwrote her notes.

20 Q. Did she ever transcribe those notes and
21 put them into electronic format, Word or whatever?

22 A. Not that I know of. Not for the
23 morning meetings.

24 Q. Let's talk about this meeting on --
25 when did we say it was, June 26, 2019? Do I have

1 the date right?

2 A. Yes, sir.

3 Q. Who called that meeting? Was it the
4 police department or was it someone else?

5 A. No, that was me. That was the police
6 department.

7 Q. And who did you call to say that there
8 was going to be a meeting?

9 A. I don't remember exactly who I called,
10 but it would have either been Kim Kleiner to set
11 the meeting up or I would have called the mayor
12 directly. Most likely in this case it was the
13 mayor directly, yeah, at the time.

14 Q. And at the time what was Kim Kleiner's
15 position in the city government?

16 A. She was the -- at the time I thought
17 she was the chief of staff for the mayor, but this
18 has her as director of administrative services.

19 Q. And you understand that she was the
20 chief of staff at one point and then became the
21 director of administrative services. Somewhere --

22 A. Correct.

23 Q. -- through all of this, right?

24 A. Correct. And throughout that portion,
25 our relationship did not change as far as the

1 representing the union. It was a good chunk of his
2 non-political time, if that answers your question.

3 So he's been consistently a part of
4 collective bargaining for the police department for
5 a majority of the time that I've been there, I was
6 there.

7 Q. And did you ever have a social
8 relationship with the mayor, a non-business
9 relationship?

10 A. No, I did not.

11 Q. Never went out to dinner with him and
12 his wife or anything of the like?

13 A. No.

14 Q. And Ms. Kleiner, did you ever have a
15 social relationship with Ms. Kleiner?

16 A. No.

17 Q. Okay. So what time was the meeting
18 convened on June 26th, 2019?

19 A. According to the report, it's 9:00 in
20 the morning.

21 Q. And who was present?

22 A. Myself, Captain John Lehto, Mayor
23 Donchess, and Kim Kleiner.

24 Q. And did this take place in the mayor's
25 conference room?

1 A. Yes.

2 Q. And I'm going to ask you to remember
3 what was said during that meeting, and I'll
4 probably just go person by person as to, you know,
5 who said what. What did you say at the meeting?

6 A. So the purpose of the meeting and what
7 I said was informing the mayor that there was a
8 criminal complaint alleged against employees at
9 City Hall, and that we would be investigating the
10 case, and we would be conducting an investigation,
11 or detectives from the Nashua Police Department
12 would be conducting an investigation into those
13 allegations and we would be speaking with multiple
14 employees at City Hall.

15 Q. Did you say anything else that you
16 remember?

17 A. No.

18 Q. And when you said -- when you described
19 the criminal investigation, did you describe the
20 types of allegations that had been made?

21 A. No, we tried to keep all -- all those
22 facts to really a minimum. It wasn't his business
23 what we were investigating. Him and Kim were both
24 well aware of what they were, they had been told of
25 the allegations that were made or they had found

1 out about it, and I'm not sure how.

2 So they were aware of what we were
3 looking into, but we didn't give them any
4 information as to the nature of the complaints or
5 how we were going to conduct our investigation.

6 Q. Now, prior to going into this meeting,
7 did you know the names of the people who were
8 going to be -- let me strike that.

9 Prior to going into this meeting, did
10 you know the names of the subjects of the
11 investigation?

12 A. I believe so.

13 Q. Does the name Greg Turgiss sound
14 familiar to you?

15 A. Yes.

16 Q. Gary Turgiss?

17 A. Yes.

18 Q. And, obviously, Kim Kleiner?

19 A. Correct.

20 Q. And you knew prior to going into that
21 meeting that all three of them were subjects of
22 the investigation?

23 A. Yes.

24 Q. You knew that Kim Kleiner was a subject
25 of the investigation?

1 leave time built up, so I started BAE Systems on
2 January 2nd of 2022.

3 Q. Now, eventually the report -- I'm
4 sorry, eventually the investigation was completed.
5 Do you understand some of the events that happened
6 or the investigative -- let me rephrase that.

7 Do you have any recollection of any of
8 the investigative steps that Detective Lombardi
9 and others took during the investigation?

10 A. Not specifically. I know the
11 investigation was progressing along quite a bit.
12 It seemed to blossom out -- if I remember
13 correctly, it seemed to blossom into bigger things
14 at times. So nothing specifically other than it
15 was being done in a timely and a thorough manner.

16 Q. Did you receive any reports of who was
17 interviewed at any point, that you can recall?

18 A. I did not review any written reports,
19 but through the daily meetings and through
20 interactions with Captain Lehto I would have been
21 informed, hey, we're doing this this time or this
22 is roughly what we're doing.

23 So, again, it was an informal process
24 to be kept up to speed on.

25 Q. And did you -- in your position as

1 Q. Well, first we'll call it the incident
2 at the legal department in City Hall.

3 A. Okay. Yes, I was aware that it
4 happened. I definitely don't have details about it
5 other than I know that the officers responded and
6 handled it, and it was -- and it was cleared.

7 Q. What does that mean, it was cleared?

8 A. Cleared without arrest, meaning they
9 left the property and they did not arrest her. She
10 left when they told her to.

11 Q. Okay. Do you know whether there was an
12 initial conversation with Attorney Celia Leonard,
13 and that she told the officers on the scene that
14 she wanted Ms. Ortolano to be no trespassed for a
15 year?

16 A. I'm not sure. I was not made aware of
17 that.

18 Q. Do you remember ever reading the
19 supplemental narrative or incident reports or
20 anything regarding that day?

21 A. I'm sorry, I don't.

22 Q. Do you know whether you did or not, or
23 you just don't remember whether you did or not?

24 A. I don't remember if I did or not. It's
25 generally not something I would do.

1 city legal department?

2 A. At the time she was, yes.

3 Q. And you know that she also was one of
4 the people who were present while Laurie Ortolano
5 was in the legal office on the day in question?

6 A. Yes. From what I was told, yes.

7 Q. And did you ever hear that Celia
8 Leonard, when she heard that the police department
9 would be -- the incident would require no further
10 action, do you recall her saying these words, or
11 something to this effect: I find it troublesome,
12 to say the least. My office will be speaking with
13 the police further.

14 A. No, I don't remember her saying that
15 prior to my meeting. I didn't have any
16 conversations with her prior to my meeting with
17 Steven Bolton and several members of the legal
18 department.

19 Q. Okay. So -- but it's fair to say that
20 you thought at one point the matter was cleared,
21 meaning the matter was over, right?

22 A. Correct.

23 Q. And then a communication occurred from
24 the city legal department to the police
25 department?

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1 A. Correct.

2 Q. And the communication was that they
3 wanted a further investigation done into the
4 matter, right?

5 A. I'm not sure how that -- I'm not sure
6 that's -- if it was them asking for more
7 information. I'm aware that I got -- I was
8 contacted and requested a meeting with the legal
9 department and Mr. Bolton.

10 Q. So you got a call directly from the
11 legal department requesting a meeting?

12 A. I don't know if it was a call or an
13 e-mail. I was contacted then.

14 Q. And when was that meeting held, to the
15 best of your recollection?

16 A. It had to be within -- I would say
17 within a week of the incident. Please don't hold
18 me to a hard date, but within about a week.

19 Q. Where was the meeting held?

20 A. It was held in the legal department --
21 City Hall legal department conference room.

22 Q. Who was present from the Nashua Police
23 Department at that meeting?

24 A. I was present. I don't honestly
25 remember who else was present. I don't, yeah.

1 Q. Do you remember if Patrolman Earnshaw
2 was present?

3 A. He was not.

4 Q. Sergeant Gilbert?

5 A. He was not.

6 Q. Is it Lieutenant Rourke?

7 A. That was Deputy Chief Rourke at the
8 time. He could have been because he was the
9 uniformed deputy, but I don't remember if anybody
10 was there.

11 Q. Is there a police officer named Roach?

12 A. Tim Roach, yes.

13 Q. Tim Roach. Do you remember if he was
14 there?

15 A. He would not have been at that meeting.

16 Q. So you remember that you were there,
17 but you don't remember whether anyone else was
18 there, but it's possible that Deputy Chief Rourke
19 might have been there?

20 A. Correct.

21 Q. Who was present from the legal
22 department?

23 A. Steve Bolton was present.

24 THE WITNESS: Is Celia the red-headed
25 one? Taller, the red-headed one?

1 MR. CULLEN: I wouldn't be able to
2 answer you even if I could answer, but truthfully,
3 I don't know exactly what Celia looks like.

4 A. Sorry, I didn't have much interaction
5 with the other attorneys.

6 BY MR. MALAGUTI:

7 Q. You would say a tall red-headed
8 attorney?

9 A. Yeah, she was there, as well as there
10 might have been a younger lady there that was part
11 of the legal department's administrative staff.

12 Q. A paralegal, potentially?

13 A. Correct.

14 Q. Would the name Manuela Perry sound
15 familiar?

16 A. I'm not sure. I never worked with her.

17 Q. Manuela, I think. Okay. Anyone else
18 from the legal department?

19 A. Not that I recall.

20 Q. Who did most of the speaking from the
21 legal department?

22 A. Attorney Bolton.

23 Q. Now, the tall red-headed attorney, did
24 she do any speaking?

25 A. No, not that I remember. It was

1 Attorney Bolton.

2 Q. He did all the speaking, as far as you
3 remember, on behalf of the legal department?

4 A. Correct.

5 Q. And you did all the speaking on behalf
6 of the police department?

7 A. Correct.

8 Q. So what did Steve Bolton say?

9 A. Paraphrasing the conversation, he was
10 not satisfied with the outcome of the
11 investigation. He felt that she should have been
12 placed under arrest immediately. He expressed
13 concern for his staff, meaning the other attorneys
14 and the paralegals in the department, and he had
15 asked me to -- I guess he told me to arrest her,
16 and I told him I would not arrest her.

17 Q. Was Attorney Bolton angry?

18 A. Yes.

19 Q. Did he shout?

20 A. Raised voice.

21 Q. Did he bang anything?

22 A. Not that I remember.

23 Q. Did he explain what his concern for his
24 staff was?

25 A. Yes, he expressed concern for their

1 posture was in -- Ms. Ortolano was in when she was
2 in the legal office?

3 A. I believe she was sitting down in front
4 of the door. If I remember right, that's what --
5 that's what's coming to mind.

6 Q. She was sitting on the floor.

7 A. Correct.

8 Q. Did Mr. Bolton tell you that she had
9 made threats?

10 A. I don't believe so. I don't recall him
11 saying that she had made threats.

12 Q. No one else in the meeting said that
13 she had made threats?

14 A. Not that I remember.

15 Q. Was it your position at the time that
16 you were going to stick with what the officers had
17 found and put in their papers that they had
18 created for the incident?

19 A. Yes.

20 Q. Do you have any reason to doubt that
21 what they said in that original incident report
22 and the supplemental narrative were anything other
23 than true and accurate?

24 A. No, I -- I believe that they were
25 absolutely true and accurate.

1 the conversation, he said that we should arrest
2 her, or you should be able to arrest her.

3 Q. Would you consider what he said to have
4 been a demand that you arrest her?

5 A. He was trying to present it as a
6 demand.

7 Q. Okay, what else did he say, if
8 anything, during that up to a half an hour
9 meeting?

10 A. That's pretty much -- the conversation
11 was about his position of us arresting her and us
12 not going to do what he said. And there was back
13 and forth, and I don't remember specific
14 conversations or specific words that were used, but
15 he wanted us to have her arrested, and at that time
16 I was not of the opinion that we would be
17 arresting her.

18 Q. And did you say anything else that you
19 haven't already told us?

20 A. Not that I know of, no.

21 Q. Now, was the meeting being audio or
22 video recorded, to your knowledge?

23 A. To my knowledge, no.

24 Q. Did you notice whether anyone was
25 taking notes of the meeting?

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1 A. Correct.

2 Q. You got further communications from the
3 legal department -- and let me reframe that.

4 To your knowledge, did you or anyone at
5 the police department get further communications
6 from the legal department between the time that
7 the meeting occurred and Ms. Ortolano was
8 arrested?

9 A. I don't -- I don't recall specifically
10 getting any myself. I know that there were several
11 conversations back throughout this entire ordeal,
12 not just this arrest, where Bolton would contact
13 the legal department, and I believe it was Captain
14 Brian Kinney at the time, or Lieutenant Kinney.
15 There was some -- I think some conversations there
16 that he let me know about.

17 Q. Captain or Lieutenant Brian Kinney, was
18 he in the police legal department or was he in
19 some other department?

20 A. He was part of the Nashua police legal
21 department.

22 Q. Was he an attorney?

23 A. No.

24 Q. Did -- it sounds like he got promoted
25 to captain, he might have been a lieutenant at the

1 Q. At some point did the police department
2 open an investigation into whether Laurie Ortolano
3 should get arrested?

4 A. Yes.

5 Q. How soon was that after the meeting at
6 Bolton's office?

7 A. I don't know specifically. If I had to
8 guess, it was within a week.

9 Q. Do you know why the investigation was
10 opened?

11 A. I do.

12 Q. Why?

13 A. I was advised by my deputies that they
14 wanted to open an investigation to re -- to relook
15 at the case because of a social media post that
16 Ms. Ortolano had posted, but if I remember right,
17 she was bragging about refusing to leave, and
18 not -- not obeying the commands of what the person
19 who had control of the property did, meaning the
20 legal department.

21 Q. You understand that Ms. Ortolano has a
22 First Amendment right to post on social media?

23 A. I do.

24 Q. You understand that Ms. Ortolano has a
25 right to post even offensive material under the

1 First Amendment on social media?

2 A. Yes, sir, I do.

3 Q. You understand that unless
4 Ms. Ortolano's postings constitute some form of
5 unprotected speech that she cannot be regulated in
6 that speech, as a general matter?

7 A. Yes, sir.

8 Q. Do you believe it would be wrong for
9 the Nashua Police Department to arrest Laurie
10 Ortolano because of social media posts they made?

11 A. I can't answer that question because
12 the answer is it's possible. If she's -- we're not
13 arresting her based on anything she's just saying
14 in there.

15 Q. Can you elaborate on that?

16 A. The decision, from what I understand,
17 to arrest was her admission of committing the
18 crime. She went on her social media post and
19 admitted to refusing to obey those commands, and
20 for us the discussion, if I remember correctly,
21 was, well, she's admitting to a crime, we don't
22 need a witness to necessarily come forward, she's
23 making her own self-admissions, so we will charge
24 her, and I supported that decision.

25 Q. Now, when you say that she wasn't